

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CHRISTOPHER ALAN LUPER, #1879581

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:16cv365

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed with prejudice as untimely filed. Petitioner filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Petitioner fails to show he timely filed his petition or that equitable tolling is warranted. Thus, the Court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. It is further

ORDERED that all motions not previously ruled on are hereby **DENIED**.

SIGNED this 7th day of February, 2017.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE